

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Claude AURIAULT <i>et al.</i>)	Group Art Unit: Unassigned
)	
Application No.: 10/566,386)	Examiner: Unassigned
)	
Filed: January 30, 2006)	
)	
For: TRANSGENIC MICE HAVING A)	Confirmation No.: 5549
HUMAN MAJOR)	
HISTOCOMPATIBILITY)	
COMPLEX (MHC) PHENOTYPE,)	
EXPERIMENTAL USES AND)	
APPLICATIONS)	<u>VIA EFS WEB</u>

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE

Applicant acknowledges receipt of the Notification of Defective Response dated November 22, 2010. Applicant requests clarification of the Notification to enable Applicant to make a complete response.

Specifically, the Notification indicates that the copy of the Sequence Listing in computer readable form was received, but did not comply with the requirements "as indicated on the attached copy of the marked-up 'Raw Sequence Listing'." The Notification was not accompanied by a marked-up copy of a Raw Sequence Listing. Accordingly, Applicant is unable to respond to the defect apparently identified by the Office.

In addition, the Notification instructs Applicant to “[r]efer to attachment or PAIR document dated Please contact SCORE/STIC.” First of all, the instruction to Applicant to refer to a “dated” PAIR document is incomplete since no date was indicated. Moreover, PAIR does not contain a document that might correspond to the instruction.

Finally, the instruction “Please contact SCORE/STIC” is not understood. Clarification is requested.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: December 22, 2010

By: 

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UNITED STATES PATENT AND TRADEMARK OFFICE

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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/566,386	Claude Auriault	037150152

22852

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RECEIVED

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INTERNATIONAL APPLICATION NO.

PCT/IB04/02374

I.A. FILING DATE

07/05/2004

PRIORITY DATE

07/30/2003

**CONFIRMATION NO. 5549
371 FORMALITIES LETTER**



OC00000044609474

Date Mailed: 11/22/2010

NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- Priority Document
- Copy of the International Application filed on 01/30/2006
- Copy of the International Search Report filed on 01/30/2006
- Preliminary Amendments filed on 01/04/2008
- Information Disclosure Statements filed on 04/24/2006
- Biochemical Sequence Diskette filed on 11/10/2009
- Oath or Declaration filed on 10/17/2006
- Biochemical Sequence Listing filed on 01/30/2006
- U.S. Basic National Fees filed on 01/30/2006
- Substitute Specification filed on 01/04/2008
- Priority Documents filed on 01/30/2006
- Specification filed on 01/30/2006
- Claims filed on 01/30/2006
- Abstracts filed on 01/30/2006
- Drawings filed on 01/30/2006
- Paper nucleotide sequence listings filed on 01/30/2006

Applicant's response filed 11/10/2009 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 08/17/2006 have not been completed.

- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Refer to attachment or PAIR document dated Please contact SCORE/STIC.

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR

1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- **For Rules Interpretation, call (571) 272-0951**
- **For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.**
- **Send e-mail correspondence for Patentin Software Program Help @ ebc@uspto.gov**

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.

<https://portal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

ULYSSES G WALKER

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SEQUENCE LISTINGS AND TABLES RELATED THERETO IN INTERNATIONAL APPLICATIONS FILED IN THE U.S. RECEIVING OFFICE

The Administrative Instructions (AIs) under the Patent Cooperation Treaty (PCT), in force as of **July 1, 2009**, contain important changes relating to the manner of filing, and applicable fees for, sequence listings and/or tables related thereto (sequence-related tables) in international applications. The complete text may be accessed at <http://www.wipo.int/pct/en/texts/index.htm>.

Effective July 1, 2009, Part 8 and Annex C-*bis* will no longer form part of the AIs. Part 8 was introduced in 2001 as a temporary solution to problems arising from the filing of very large sequence listings on paper and provided for a *sequence listing forming part of the international application* to be filed in electronic form on physical medium (e.g., CD), together with the remainder of the application on paper. In 2002, Part 8 was expanded to include sequence-related tables and Annex C-*bis* was added to provide technical requirements. All applicants may now file complete international applications in electronic form, eliminating the need for these temporary provisions.

I. AIS PART 8 AND ANNEX C-BIS DELETED AS OF JULY 1, 2009

- A) **Sequence-related tables cannot be filed as a separate part of the description or in text format.** They must be provided as an integral part of the international application either:
- in PDF format as part of an international application filed in electronic form via EFS-Web; or
 - on paper as part of an international application filed on paper.
- B) **A *sequence listing forming part of an international application* may be provided either:**
- in electronic form, as part of an international application filed in electronic form via EFS-Web, in
 - Annex C/ST.25 text format (preferred), or
 - PDF format; or
 - on paper as part of an international application filed on paper.
- C) **A *sequence listing not forming part of the international application* (for search under PCT Rule 13ter) in Annex C/ST.25 text format**
- is not required where the *sequence listing forming part of the international application* was filed in Annex C/ST.25 text format as part of an international application filed in electronic form via EFS-Web
 - is required for search where the *sequence listing forming part of the international application* was filed in PDF
 - is required for search on physical medium (e.g., CD) where the *sequence listing forming part of the international application* was filed on paper as part of an international application filed on paper.

II. CALCULATION OF THE INTERNATIONAL FILING FEE AND FEE REDUCTION UNDER AI § 707

- A) **A sequence-related table** must form an integral part of the international application and will incur FULL page fees with no upper limit.
- B) **A *sequence listing forming part of an international application* filed:**
- via EFS-Web in Annex C/ST.25 text format will incur NO page fees;
 - on paper or in PDF format will incur FULL page fees with no upper limit.

III. AVAILABILITY OF SEQUENCE LISTINGS SUBMITTED FOR SEARCH UNDER PCT RULE 13TER

International Searching Authorities will be required to transmit to the International Bureau a copy of an Annex C/ST.25 text format sequence listing provided for search under PCT Rule 13ter. Any such sequence listing will be made available on PATENTSCOPE® (*sequence listings forming part of the international application* are already available).

IV. JULY 2009 REQUEST (PCT/RO/101)

The Request now has two options for the last sheet: one for paper filings; and one for EFS-Web filings. The July 2009 Request may be accessed at <http://www.wipo.int/pct/en/forms/index.htm>.